

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AXEL PEREZ and
DIANA PEREZ,

Plaintiffs,

v.

CHUBB INDEMNITY INSURANCE COMPANY,

Involuntary Plaintiff,

v.

Case No. 23-C-907

LOCKHEED MARTIN CORPORATION,
ABC INSURANCE COMPANY,
FINCANTIERI MARINE GROUP LLC,
DEF INSURANCE COMPANY,
MARINETTE MARINE CORPORATION, and
GHI INSURANCE COMPANY,

Defendants.

ORDER

Although the above matter may fall within the court's admiralty jurisdiction, the Complaint alleges subject-matter jurisdiction based upon 28 U.S.C. § 1332. More specifically, the Complaint alleges that the plaintiffs are citizens and residents of Florida and that the defendants are completely diverse citizens. One of the defendants, however, is an LLC or Limited Liability Company. The Seventh Circuit has held that limited liability companies are citizens of every state of which any member is a citizen. *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir. 2003). The Complaint here fails to recognize this and instead alleges that the LLC is a foreign LLC with its principal offices located in Washington DC. LLCs are not

corporations, however, and thus the allegations are insufficient to confer jurisdiction on the court. Based upon the foregoing, the Complaint is dismissed for failure to allege subject matter jurisdiction. The dismissal, however, is without prejudice, and Plaintiffs may file an amended complaint within the next thirty days if they are able to remedy the defects. Since members of LLCs are often not identified in public filings, it is often the case that the plaintiff does not know with certainty who the members are and where they are citizens. Allegations on information and belief are sufficient, if it appears likely that none are citizens of Florida, until the underlying facts can be verified in discovery.

SO ORDERED at Green Bay, Wisconsin this 10th day of July, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge